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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,980	06/22/2006	Takeshi Mizuta	89327.0001	8439
26/021 7590 03/21/2008 HOGAN & HARTSON LLP. 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067				
EXAMINER DASGUPTA, SOUMYA				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/583,980

**Applicant(s)**

MIZUTA, TAKESHI

**Examiner**

SOU MYA DASGUPTA

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

This is the initial office action based on 11/583, 980 application filed on 6/22/2006. Claims 1-18, as originally filed, are currently pending and have been considered below. Claims 1, 4, 7, 11, and 14 are independent claims.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### **Claim 2:**

The phrase "wherein the reaction information display means has a user icon display means that controls to define, in part of the provider side display device, a user icons collective display area in which a plural number of user icon display areas made to correspond to the respective user side terminal devices are put in order" is confusing and not clearly understood by one of ordinary skill in the art.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4, 6-8, 10-11, 13-15, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Appelman et al (US 6,539,421; Patent Issue: Mar 25, 2003; Patent Filing Date: Sep 24, 1999; hereafter Appelman).

**Claim 1:**

Appelman discloses **a reaction information display system comprising: a provider side terminal device having a provider side display device;** (Fig 5 → Appelman discloses “a provider side terminal device having a provider side display device” in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices.)

**and a plural number of user side terminal devices, each having a user side input operation device and a user side display device, capable of communicating through an information communication network with the provider side terminal device, wherein the provider side terminal device**

**has a evaluated object information transmission means for transmitting evaluated object information,** (Fig 5 → Appelman discloses "a plural number of user side terminal devices, each having a user side input operation device and a user side display device, capable of communicating through an information communication network with the provider side terminal device" in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices. Appelman discloses " wherein the provider side terminal device has a evaluated object information transmission means for transmitting evaluated object information" in that one user (provider) can send information (evaluated object information) to another user (recipient). The examiner notes that an "evaluated object information" is metadata.)

**the user side terminal device has a evaluated object information display means for receiving** (Fig 5 → Appelman discloses "the user side terminal device has a evaluated object information display means for receiving" in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices. The examiner notes that an "evaluated object information" is metadata.)

**and displaying on the user side display device the evaluated object information transmitted from the provider side terminal device through the**

**information communication network**, (Fig 5 → Appelman discloses “displaying on the user side display device the evaluated object information transmitted from the provider side terminal device through the information communication network” in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices. The examiner notes that an “evaluated object information” is metadata.)

**and a reaction information transmission means for transmitting reaction information made to correspond to the user side terminal device when the user side input operation device is operated in reaction to the displayed evaluated object information**, (Fig 5 → Appelman discloses “a reaction information transmission means for transmitting reaction information made to correspond to the user side terminal device when the user side input operation device is operated in reaction to the displayed evaluated object information” in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices. The examiner notes that an “reaction information” is metadata.)

**and the provider side terminal device further has a reaction information display means for receiving reaction information transmitted from the user side terminal device through the information communication network**, (Fig 5 → Appelman discloses “the provider side terminal device further has a reaction

information display means for receiving reaction information transmitted from the user side terminal device through the information communication network" in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices. The examiner notes that an "reaction information" is metadata.)

**and for displaying information corresponding to the received reaction information on the provider side display device.** (Fig 5 → Appelman discloses "for displaying information corresponding to the received reaction information on the provider side display device" in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices.)

**Claim 3:**

**The reaction information display system according to claim 1, wherein the reaction information display system further has a communication information memory device having a communication information database for storing contents of information, communicated between the devices constituting the system, related to communication time and information type,** (Fig 1 and Fig 19 → Appelman discloses "a communication information memory device having a communication information database for storing contents of information, communicated between the devices constituting the system, related to communication time and information type" in that the

information presented on the user interface corresponds to the time the information was received from another terminal. Fig 1 → Appelman discloses a memory for the computer to store information on the computer. The examiner notes that it is well known in the art for a computer to store information on a hard drive or a cache.)

**and the provider side terminal device further has a communication information reproduction means for acquiring, while specifying communication time and information type, the whole or part of the information communicated between the respective terminal devices and stored in the communication information database,** (Fig 1 and Fig 19 → Appelman discloses "the provider side terminal device further has a communication information reproduction means for acquiring, while specifying communication time and information type, the whole or part of the information communicated between the respective terminal devices and stored in the communication information database" in that the information presented on the user interface corresponds to the time the information was received from another terminal. Fig 1 → Appelman discloses a memory for the computer to store information on the computer. The examiner notes that it is well known in the art for a computer to store information on a hard drive or a cache.)

**and for reproducing and displaying information corresponding to the acquired information on the provider side display device.** (Fig 5 →



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Appelman discloses "for reproducing and displaying information corresponding to the acquired information on the provider side display device" in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices. The examiner notes that the user can "reproduce" the information by scrolling up in order to view the previous parts of the conversation.)

**Claim 4:**

Claim 4 corresponds to Claim 1.

**Claim 6:**

Claim 6 corresponds to Claim 3.

**Claim 7:**

**A user side terminal device used in a system having: a provider side terminal device having a provider side display device,** (Fig 5 → Appelman discloses "a provider side terminal device having a provider side display device" in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices.)

**and a plural number of user side terminal devices, each having a user side input operation device** (Fig 5 → Appelmann discloses "a plural number of user side terminal devices, each having a user side input operation device" in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices.)

**and a user side display device, capable of communicating through an information communication network with the provider side terminal device, wherein the user side terminal device has: a evaluated object information display means for receiving evaluated object information transmitted from the provider side terminal device through the information communication network** (Fig 5 → Appelmann discloses "a user side display device, capable of communicating through an information communication network with the provider side terminal device " in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices. Appelmann discloses " wherein the user side terminal device has: a evaluated object information display means for receiving evaluated object information transmitted from the provider side terminal device through the information communication network" in that one user (provider) can send information (evaluated object information) to another user (recipient). The examiner notes that an "evaluated object information" is metadata.)

**and for displaying the received information on the user side display device,**

(Fig 5 → Appelman discloses “for displaying the received information on the user side display device,” in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices. The examiner notes that an “reaction information” is metadata.)

**and a reaction information transmission means for transmitting reaction information so that information, corresponding to the reaction information made to correspond to the user side terminal device** (Fig 5 → Appelman

discloses “a reaction information transmission means for transmitting reaction information so that information, corresponding to the reaction information made to correspond to the user side terminal device” in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices. The examiner notes that an “reaction information” is metadata.)

**and transmitted to the provider side terminal device through the information communication network when the user side input operation device is operated in reaction to the displayed evaluated object information, is displayed on the provider side display device.** (Fig 5 →

Appelman discloses “transmitted to the provider side terminal device through the information communication network when the user side input operation device is

operated in reaction to the displayed evaluated object information, is displayed on the provider side display device" in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices. The examiner notes that an "reaction information" is metadata.)

**Claim 8:**

**The user side terminal device according to claim 7, wherein the user side terminal device is capable of communicating also with other user side terminal devices through the information communication network, and further comprises: an other user information acquisition means for receiving reaction information transmitted from other user side terminal devices through the information communication network, (Fig 5 →**

Appelman discloses "the user side terminal device is capable of communicating also with other user side terminal devices through the information communication network, and further comprises: an other user information acquisition means for receiving reaction information transmitted from other user side terminal devices through the information communication network" in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices. The examiner notes that an "reaction information" is metadata.)

**and a reaction information display means for displaying information corresponding to the reaction information from other user side terminal devices on the user side display device.** (Fig 5 → Appelman discloses “a reaction information display means for displaying information corresponding to the reaction information from other user side terminal devices on the user side display device” in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices. The examiner notes that an “reaction information” is metadata.)

**Claim 10:**

**The user side terminal device according to claim 7, wherein the system further has a communication information memory device having a communication information database for storing information contents, related to communication time and information type, transmitted between terminal devices constituting the system, the user side terminal device is capable of communicating with also the communication information memory device through the information communication network,** (Fig 1 and Fig 19 → Appelman discloses “the system further has a communication information memory device having a communication information database for storing information contents, related to communication time and information type, transmitted between terminal devices constituting the system, the user side terminal device is capable of communicating with also the communication

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information memory device through the information communication network" in that the information presented on the user interface corresponds to the time the information was received from another terminal. Fig 1 → Appelman discloses a memory for the computer to store information on the computer. The examiner notes that it is well known in the art for a computer to store information on a hard drive or a cache.)

**and further has a communication information reproduction means for acquiring, while specifying communication time and information type, the whole or part of the information transmitted between the terminal devices and stored in the communication information database, (Fig 1 and Fig 19 →**

Appelman discloses "a communication information reproduction means for acquiring, while specifying communication time and information type, the whole or part of the information transmitted between the terminal devices and stored in the communication information database," in that the information presented on the user interface corresponds to the time the information was received from another terminal. Fig 1 → Appelman discloses a memory for the computer to store information on the computer. The examiner notes that it is well known in the art for a computer to store information on a hard drive or a cache.)

**and for reproducing and displaying information corresponding to the acquired information on the user side display device. (Fig 5 → Appelman discloses "for reproducing and displaying information corresponding to the**

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acquired information on the user side display device" in that the users (providers/presenters and users/receivers) can communicate and respond to one another through a messaging system that includes display devices. The examiner notes that the user can "reproduce" the information by scrolling up in order to view the previous parts of the conversation.)

**Claim 11:**

Claim 11 corresponds to Claim 1.

**Claim 13:**

Claim 13 corresponds to Claim 1.

**Claim 14:**

Claim 14 corresponds to Claim 1.

**Claim 15:**

Claim 15 corresponds to Claim 8.

**Claim 17:**

Claim 17 corresponds to Claim 10.

**Claim 18:**

Claim 4 corresponds to Claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 5, 9, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appelman et al (US 6,539,421; Patent Issue: Mar 25, 2003; Patent Filing Date: Sep 24, 1999; hereafter Appelman) in view of Canfield (US



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7,127,685; Patent Issue Date: Oct 24, 2006; Patent Filing Date: Oct 31, 2002;  
Provisional Application No. 60/376,181 Filing Date: Apr 30, 2002; hereafter  
Canfield).

**Claim 2:**

Appelman discloses **the reaction information display system according to claim 1, wherein the reaction information display means has a user icon display means that controls to define, in part of the provider side display device , a user icons collective display area in which a plural number of user icon display areas made to correspond to the respective user side terminal devices are put in order** (Fig 5 → Appelman discloses "the reaction information display means has a user icon display means that controls to define, in part of the provider side display device, a user icons collective display area in which a plural number of user icon display areas made to correspond to the respective user side terminal devices are put in order" in that user icons representing various users (JDOE1934 and mroe1934) are displayed in order of communication to a certain user.)

Appelman also discloses sending and receiving text information to and from multiple users in an instant messaging format. (Fig 5)

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Appelman does not appear to explicitly disclose **displays, using icons, information corresponding to the reaction information from the respective user side terminal devices in corresponding user icon display areas.**

Canfield also discloses sending and receiving text information to and from multiple users in an instant messaging format. (Fig 5)

Canfield discloses **displays, using icons, information corresponding to the reaction information from the respective user side terminal devices in corresponding user icon display areas.** (Fig 5 → Appelman discloses "displays, using icons, information corresponding to the reaction information from the respective user side terminal devices in corresponding user icon display areas" in that information in the form of icons such as emotions (see "happy face" on item 526) can be sent to and received from other users. )

Appelman and Canfield are analogous art because they are from the same field of endeavor of instant messaging.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Appelman and Canfield before him or her, to incorporate an instant messenger with textual information that includes timing information corresponding to the message, as disclosed by Appelman, with an

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instant messenger with textual and graphical information, as disclosed by Canfield.

The motivation for doing so would have been to allow users to send and receive various forms of information to other users.

Therefore, it would have been obvious to combine Canfield with Appelman to obtain the invention as specified in the instant claim.

**Claim 5:**

Claim 5 corresponds to Claim 2.

**Claim 9:**

Claim 9 corresponds to Claim 2.

**Claim 12:**

Claim 12 corresponds to Claim 2.

**Claim 16:**

Claim 16 corresponds to Claim 2.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOUMYA DASGUPTA whose telephone number is (571)272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

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